



IFW
AF

Docket No.: 614.1907

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kazuhiro TOMIZAWA

Serial No. 09/122,740

Group Art Unit: 2162

Confirmation No. 4749

Filed: July 27, 1998

Examiner: FLEURANTIN, Jean B.

For: APPLICATION MANAGING METHOD AND INFORMATIN PROCESSING APPARATUS
USING THE METHOD

**LETTER TO THE EXAMINER REQUESTING FINALITY OF CURRENT ACTION BE
WITHDRAWN**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Attention: **BOX AF**

Sir:

Applicant filed a Response on June 12, 2006 (previous Response) to the Office Action mailed January 12, 2006 (previous Action).

As set forth in MPEP §707.07(f) entitled Answer All Material Traversed:

an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.

Applicant respectfully submits that the current Action is incomplete since the Examiner has not responded to the Applicant's arguments traversing the rejections.

The Examiner issued a Final Office Action on September 8, 2006 (current Action) rejecting claims 12, 14-16 and 26-28 under 35 U.S.C. §103(a) as being unpatentable over Kikuchi et al. (U.S.P. 5,584,022) in view of Davis et al. (U.S.P. 5,918,229).

In the previous Response, Applicant traversed the 35 U.S.C. §103(a) rejection arguing that Kikuchi, alone or in combination, does not teach that an application address is given to the directory as recited by independent claim 12, for example. By contrast, Kikuchi merely teaches location addresses of the enciphered files and cipher key enciphering these files are stored in the directories.

In the current Action, the Examiner supports the rejection indicating:

In response to applicant's argument, page 8, lines 5-25, that "Kikuchi alone or in combination does not teach an **application . . . directory** as recited by independent claim 12 according to the present invention." The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art . . . Kikuchi fails to explicitly disclose a plurality of directories corresponding to the plurality of applications independently of whether a directory in the directory structure is a subordinate directory or a highest directory. However, Davis discloses a plurality of directories corresponding to the plurality of applications independently of whether a directory in the directory structure is a subordinate directory or a highest directory. . . Thus, the combination of Kikuchi and Davis discloses the claimed invention.

(Emphasis added, Action at page 5).

That is, the Examiner's merely repeats assertions from the previous Action and does not respond to Applicant's argument directed to an application "address" being given to the directory. Rather, the Examiner appears to specifically ignore responding to this argument by use of ellipsis points on page 5, line 2 ". . . " instead of the feature "address."

As set forth in MPEP § 706.07(d):

(i)f, on request by applicant for reconsideration, the primary examiner finds the final rejection to have been premature, he or she should withdraw the finality of the rejection.

Accordingly, Applicant requests that the finality of the present Action be withdrawn and another Action be issued including a complete response to the Applicant's arguments and with the due date accordingly reset.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Letter, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: December 1, 2006

By: Paul W. Bobowiec
Paul W. Bobowiec
Registration No. 47,431

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501